

**MASTER PLAN
HOUSING ELEMENT
AND FAIR SHARE PLAN
LINDENWOLD BOROUGH
CAMDEN COUNTY, NEW JERSEY**

Prepared For:

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I. INVENTORY OF MUNICIPAL HOUSING STOCK

A. Age of Housing Stock

The Borough of Lindenwold has a relatively moderately aged to new housing stock as shown in Figure H-1. Approximately 77 percent of the Township's housing was constructed since 1960 as opposed to 53.7 percent for the County in the same period. Over 51.2 percent of the Borough's housing was constructed since 1970 as opposed to 36.5 percent for the County. Housing reached its peak in the Borough during 1970-1979 with a decrease each year since that period. The period of 1960 to 1979 accounted for 63.1 percent of the Borough's housing stock.

**FIGURE H-1
AGE OF HOUSING STOCK**

Lindenwold Borough and Camden County, NJ

Decade	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Pre 1939	459	5.6	37,557	18.8
1940-1959	1439	17.5	54,820	27.5
1960-1969	2124	25.8	34,358	17.2
1970-1979	3075	37.3	33,132	16.6
1980-1989	891	10.8	23,058	11.5
1990-1994	178	2.2	8,984	4.5
1995-1998	78	0.9	6,441	3.2
1999-March 2000	0	0.0	1,329	0.7
Total	8,244	100.0	199,679	100.0

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

B. Owner Occupied Housing Values

The median housing value for the Borough was \$84,000 in 2000. This compares to the median County value of \$111,200. The predominant housing value in the Borough is in the \$50,000 to \$99,999 range, with 75.7 percent of the owner occupied units in this category as shown in Figure H-2. Another 17.0 percent of the homes are valued between \$100,000 and \$149,999. Only 7.3 percent of the units are above or below the \$50,000 to \$149,999 range. In the County, the majority of units are within the \$100,000 to \$149,999 value range. Comparing the Borough and County, the County has 59.5 percent of the units valued at \$100,000 and over as compared to only 18.6 percent in this value range for the Borough.

FIGURE H-2
OWNER OCCUPIED HOUSING VALUES
Lindenwold Borough and Camden County, NJ

Value	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Less than \$50,000	167	5.7	9,292	7.7
\$50,000 to \$99,999	2,213	75.7	39,740	32.9
\$100,000 to \$149,999	498	17.0	43,888	36.3
\$150,000 to \$199,999	41	1.4	16,322	13.5
\$200,000 to \$299,999	6	0.2	8,068	6.7
\$300,000 or more	0	0.0	3,571	3.0
Median (Dollars)	\$84,000	100.0	\$111,200	100.0

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

C. Mortgage Status and Selected Monthly Owner Costs

Figure H-3 indicates mortgage status and selected monthly owner costs. In the Borough, the median mortgage is \$1,090 as opposed to \$1,393 in the County. There is a similar number of Borough residents with a mortgage (75.3 percent) and County residents with a mortgage (72.0 percent). Conversely, the Borough has slightly fewer properties without a mortgage (24.7 percent) than the County (28.0 percent).

FIGURE H-3
MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS
Lindenwold Borough and Camden County, NJ

Value	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
With a Mortgage	2,202	75.3	87,061	72.0
Less than \$300	0	0.0	192	0.2
\$300 to \$499	14	0.5	1,740	1.4
\$500 to \$699	126	4.3	5,142	4.3
\$700 to \$999	662	22.6	16,710	13.8
\$1,000 to \$1,499	1,189	40.6	36,555	30.2
\$1,500 to \$1,999	211	7.2	16,706	13.8
\$2,000 or More	0	0.0	10,016	8.3
Median (Dollars)	\$ 1,090		\$ 1,393	
Not Mortgaged	723	24.7	33,820	28.0
Median (Dollars)	\$476		\$1,252	

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

D. Monthly Owner Costs

Figure H-4 indicates Selected Monthly Owner Costs as a percentage of Household Income in 1999. In the Borough, approximately 38.7 percent of households spend less than 20.0 percent of their income on owner costs. The greatest percentage of County households (44.4 percent) also spend less than 20.0 percent on owner costs. The second largest percentage of household costs for the Borough is in the 35 percent or more of household income category, which is similar to the County. The figures indicate that generally, Borough residents spend approximately the same household income on owner costs as County residents.

FIGURE H-4
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF
HOUSEHOLD INCOME IN 1999

Lindenwold Borough and Camden County, NJ

Percentage	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Less than 20.0 Percent	1,131	38.7%	53,643	44.4%
20.0 to 24.9 Percent	499	17.1%	18,866	15.6%
25.0 to 29.9 Percent	343	11.7%	13,948	11.5%
30.0 to 34.9 Percent	259	8.9%	9,069	7.5%
35.0 Percent or More	679	23.2%	24,336	20.1%
Not Computed	14	0.5%	1,019	0.8%

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

E. Gross Rent

Figure H-5 shows Gross Rent for Lindenwold Borough and Camden County residents. Median rent for Borough residents is \$615 as opposed to \$635 for the County. The majority of Borough residents (70.0 percent) pay between \$500 to \$749 for rent. The majority of County residents also pay this rent amount, however, only 44.5 percent of County residents are within this category. The figures also indicate that there are less Township residents (0.3 percent) paying no cash rent as opposed to County residents in this category (2.7 percent).

**FIGURE H-5
GROSS RENT**

Lindenwold Borough and Camden County, NJ

Gross Rent	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Less than \$200	77	1.8	3,613	6.5
\$200 to \$299	77	1.8	2,017	3.6
\$300 to \$499	213	5.0	7,406	13.4
\$500 to \$749	2,965	70.0	24,713	44.5
\$750 to \$999	656	15.5	11,633	20.9
\$1,000 to \$1,499	206	4.9	3,622	6.5
\$1,500 or More	28	0.7	1,094	2.0
No Cash Rent	11	0.3	1,482	2.7
Median (Dollars)	\$615		\$635	

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

F. Gross Rent and Household Income

Figure H-6 compares Gross Rent as a percentage of household income for Borough and County residents. In the Borough, 33.6 percent of renters spend 35 percent or more on rent as compared to 31.9 percent of County renters spending this amount. There was not much disparity of rent to income figures for Borough and County residents in all categories.

FIGURE H-6
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME
IN 1999

Lindenwold Borough and Camden County, NJ

Value	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Less than 15.0 Percent	711	16.8	9,131	16.4
15.0 to 19.9 Percent	603	14.2	7,571	13.6
20.0 to 24.9 Percent	704	16.6	7,444	13.4
25.0 to 29.9 Percent	416	9.8	6,338	11.4
30.0 to 34.9 Percent	342	8.1	4,465	8.0
35.0 Percent or More	1,423	33.6	17,706	31.9
Not Computed	34	0.8	2,925	5.3

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

G. Housing Tenure

Housing tenure is shown in Figure H-7. The figures indicate there are substantially more renters in the Borough (56.7%) than in the County (30.0%) and conversely, there are less owners in the Borough (43.3%) than in the County (70.0%). Figure H-7 also indicates that average household size of owner and renter units in the Borough is smaller than the County average.

FIGURE H-7
OCCUPIED UNITS HOUSING TENURE

Lindenwold Borough and Camden County, NJ

Unit Type	Lindenwold Borough			Camden County		
	Number of Units	Percent	Average Household Size	Number of Units	Percent	Average Household Size
Owner Occupied	3,234	43.3	2.67	130,043	70.0	2.85
Renter Occupied	4,231	56.7	2.06	55,701	30.0	2.29
Total Units	7,465	100.0		185,744	100.0	

Source: US Bureau of the Census, Census 2000. Profile of General Demographic Characteristics, Lindenwold Borough and Camden County, NJ.

H. Units in Structure

Number of Units in Structure is shown in Figure H-8. The data indicates that Lindenwold has fewer 1-unit detached dwellings (32.2%) than the County (55.2%). The Borough has substantially more units in the 3 to 20 or more category (52.3%) than the County (21.1%). In fact, over half of Lindenwold's housing stock is in this category. Lindenwold's percentage of units in the 2-unit category (4.1%) is similar to the County's percentage in this category (4.4%).

**FIGURE H-8
UNITS IN STRUCTURE**

Lindenwold Borough and Camden County, NJ

Unit Type	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
1-Unit, Detached	2,651	32.2	110,170	55.2
1-Unit, Attached	931	11.3	38,648	19.4
2 Units	335	4.1	8,784	4.4
3 or 4 Units	427	5.2	6,439	3.2
5 to 9 Units	1,059	12.8	6,971	3.5
10 to 19 Units	1,413	17.1	8,528	4.3
20 or More Units	1,418	17.2	18,552	9.3
Mobile Home	10	0.1	1,560	0.8
Boat, RV, Van, Etc.	0	0.0	27	0.0
Total Units	8,244	100.0	199,679	100.0

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

I. Occupants Per Room

Figure H-9 reflects that in both the Borough and County, over 93 percent of the occupied units contain 1.0 person or less per room. The Borough had a slightly greater percentage (6.1%) of more than 1.0 occupant per room than the County (4.2%).

J. Number of Rooms

The median number of rooms in Borough housing units is approximately 4.2 as opposed to the 5.9 rooms in the County (Figure H-10). The greatest percent of units in the Borough contains four rooms as opposed to six rooms in the County. Figure H-10 indicates that in Lindenwold, over half (57.1 %) of the housing units contain 1 to 4

rooms. In the County, over half (58.5%) of the housing units contain 6 to 9 or more rooms. The data also indicates that the County contains over three times as many units with 7 or more rooms (38.6%) than in the Borough (12.0%)

**FIGURE H-9
OCCUPANTS PER ROOM**

Lindenwold Borough and Camden County, NJ

Occupants Per Room	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
1.00 or Less	7,008	93.9	177,875	95.8
1.01 to 1.50	248	3.3	4,290	2.3
1.51 or More	209	2.8	3,579	1.9
Occupied Housing Units	7,465	100.0	185,744	100.0

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Eastampton Township and Burlington County, NJ.

**FIGURE H-10
NUMBER OF ROOMS**

Lindenwold Borough and Camden County, NJ

Rooms	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
1	252	3.1	2,892	1.4
2	438	5.3	6,505	3.3
3	1,770	21.5	20,745	10.4
4	2,243	27.2	23,759	11.9
5	1,250	15.2	28,815	14.4
6	1,301	15.8	39,774	19.9
7	505	6.1	30,586	15.3
8	303	3.7	25,229	12.6
9 or More	182	2.2	21,374	10.7
Median	4.2	100.0	5.9	100.0

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

K. Home Heating Fuel

Information contained in Figure H-11 indicates that in both the Borough and the County, utility gas is the fuel of choice with over seventy percent of units heated by that source. Electricity is the next preferred source of fuel in the Borough (12.2%). In the County, the next preferred fuel source is fuel oil or kerosene (16.5%). The Borough has substantially fewer residents utilizing fuel oil or kerosene (6.6%).

FIGURE H-11
HOUSE HEATING FUEL

Lindenwold Borough and Camden County, NJ

Fuel Type	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Utility Gas	5,872	78.7	133,942	72.1
Bottled, Tank or LP Gas	108	1.4	2,416	1.3
Electricity	907	12.2	16,893	9.1
Fuel Oil, Kerosene, etc.	491	6.6	30,555	16.5
Coal or Coke	0	0.0	53	0.0
Wood	21	0.3	178	0.1
Solar Energy	0	0.0	22	0.0
Other Fuel	28	0.4	974	0.5
No Fuel Used	38	0.5	711	0.4

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

L. Selected Characteristics

Figures H-11 and H-12 show selected housing characteristics that can describe substandard conditions. These include lack of plumbing, lack of kitchen facilities and lack of fuel. In the Borough, 0.5 percent of the units indicate no fuel is used which is a similar percentage (0.4%) in the County. Twenty-eight units (0.4 percent) lack complete plumbing and seventeen units (0.2 percent) lack complete kitchen facilities. This is a slightly lower percentage for the Borough than the County. The percentage of units without telephone service is similar in the Borough (2.8%) and the County (2.7%).

FIGURE H-12
SELECTED CHARACTERISTICS

Lindenwold Borough and Camden County, NJ

Selected Characteristic	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Lacking Complete Plumbing Facilities	28	0.4	1,078	0.6
Lacking Complete Kitchen Facilities	17	0.2	1,277	0.7
No Telephone Service	210	2.8	5,023	2.7

Source: US Bureau of the Census, Census 2000. Profile of Selected Housing Characteristics, Lindenwold Borough and Camden County, NJ.

II. PROJECTED MUNICIPAL HOUSING STOCK

A. Construction Permits Issued

Figure H-13 identifies the number of construction permits issued for new residential construction as reported by the New Jersey Department of Labor for the period 1980 to 2003. Over the eleven year period between 1980 and 1990, 472 units were constructed, or an average of 43 units per year. During the next thirteen year period between 1991 and 2003, only 50 units were constructed, or an average of 4 per year.

Figure H-13 also shows that in Lindenwold, housing construction was primarily single family units with the exception of 18 two-family units constructed in 1980, 3 three-to-four family units constructed in 1982, and 100 five-or-more family units constructed in 1983. The data in H-13 indicates a substantial decrease in residential construction from 1992 to present as compared to 1980 to 1991.

**FIGURE H-13
CONSTRUCTION PERMITS ISSUED**

Lindenwold Borough, NJ

Year	Number of Permits	Year	Number of Permits
1980	42 (24 SF, 18 2-Fam)	1992	3 (3 SF)
1981	14 (14 SF)	1993	7 (7 SF)
1982	21 (18 SF, 3 3-4-Fam)	1994	4 (4 SF)
1983	118 (18 SF, 100 5+ Fam)	1995	3 (3 SF)
1984	35 (35 SF)	1996	6 (6 SF)
1985	46 (46 SF)	1997	0
1986	1 (1 SF)	1998	3 (3 SF)
1987	14 (14 SF)	1999	4 (4 SF)
1988	112 (112 SF)	2000	2 (2 SF)
1989	47 (47 SF)	2001	1 (1 SF)
1990	22 (22 SF)	2002	3 (3 SF)
1991	9 (9 SF)	2003	5 (5 SF)

Source: New Jersey Department of Labor, New Private Residential Housing Units Authorized, 1980-2003

B. Projected Housing

The 2005 Housing Element and Fair Share Plan contained projections of developments, some of which have now been constructed. These include 92 units at Bethany Baptist senior citizens and 81 age restricted affordable units at Linden Lakes.

The one superintendent unit at Linden Lakes is not income restricted. There has been no development in the Gibbsboro Road Apartment Corridor or the PATCO station area that was designated a Redevelopment Area.

III. DEMOGRAPHIC CHARACTERISTICS

A. Household Income

Household size, income level, age, and type are principal characteristics of the population that relate to housing. Figure H-14 shows household income for Borough and County residents as reported in the 2000 Census. Median household income for the Borough is \$36,080 as opposed to \$48,097 for the County. Year 2000 average household size in Lindenwold, according to the US Census Bureau, is 2.32 persons. According to the Council on Affordable Housing (COAH), 2008 regional income limits for a two and three person household in Camden County is as follows. 2008 Regional Income Limits for 1 to 8 persons per households and rentals are included in Appendix D.

	2008 COAH Regional Income Limits	
	2 Persons	3 Persons
Very Low Income	\$17,832	\$20,061
Low Income	\$29,720	\$33,435
Moderate Income	\$47,552	\$53,496
Median Income	\$59,440	\$66,870

Using these income limits and Figure H-14, approximately 22 percent of Lindenwold households are very low income as opposed to approximately 18 percent in the County. Low income households in Lindenwold account for approximately 23 percent as opposed to 16.0 percent in the County. Approximately 20 percent of Lindenwold's households are moderate income as opposed to only 16 percent in the County. Approximately 32 percent of Lindenwold's households are above the moderate income level compared to 48 percent in the County. The Census Bureau reports that in Lindenwold, 11.3 percent of families are below the poverty level as compared to 8.1 percent in the County. A comparable percent of individuals are below the poverty level in Lindenwold (11.8%) and the County (10.4%). While Borough and County income limits for very low and low income are similar, the disparity is that the Borough has more moderate income households and fewer higher income households than the County.

FIGURE H-14
HOUSEHOLD INCOME

Lindenwold Borough and Camden County, NJ

Income	Lindenwold Borough		Camden County	
	Number of Households	Percent	Number of Households	Percent
Less than \$10,000	651	8.7	15,391	8.3
\$10,000-14,999	523	7.0	9,940	5.3
\$15,000-24,999	1170	15.7	20,471	11.0
\$25,000-34,999	1252	16.8	21,024	11.3
\$35,000-49,999	1485	19.9	29,285	15.8
\$50,000-74,999	1449	19.4	39,385	21.2
\$75,000-99,999	541	7.2	23,075	12.4
\$100,000-149,999	312	4.2	18,165	9.8
\$150,000-199,999	57	0.8	4,769	2.6
\$200,000 or More	25	0.3	4,332	2.3
Median Income	\$36,080		\$48,097	
Total Households	7,465	100.0	185,837	100.0

Source: US Bureau of the Census, Census 2000. Profile of Selected Economic Characteristics, Lindenwold Borough and Camden County, NJ.

B. Persons By Age

A review of the age distribution of the population can give insight into future demands on services, schools and housing trends. In the Borough, the median age is 33.3 compared to 35.8 for the County, indicating a somewhat younger population in the Borough. In the group 19 and under, 26.1 percent of the Borough population is in this category as opposed to 29.2 percent for the County. The largest group of Borough and County residents is within the 25 to 54 age category. Almost half of the Borough residents (49.2 percent) fall within this category. In the retirement age group of 60 and older, 12.0 percent of Borough residents and 16.2 percent of County residents are within these ages.

**FIGURE H-15
PERSONS BY AGE**

Lindenwold Borough and Camden County, NJ

Age Group	Lindenwold Borough		Camden County	
	Number of Persons	Percent	Number of Persons	Percent
Less than 5	1258	7.2	34,411	6.8
5 to 9	1143	6.6	38,642	7.6
10 to 14	1107	6.4	40,256	7.9
15 to 19	1035	5.9	35,238	6.9
20 to 24	1385	8.0	28,756	5.7
25 to 34	3324	19.1	70,516	13.9
35 to 44	2,977	17.1	84,876	16.7
45 to 54	2268	13.0	69,427	13.6
55 to 59	819	4.7	24,613	4.8
60 to 64	559	3.2	18,428	3.6
65 to 74	879	5.0	32,844	6.5
75 to 84	528	3.0	23,382	4.6
85+	132	0.8	7,543	1.5
Median	33.3		35.8	
Total	17,414		508,932	
Male	8,312	47.7	245,577	48.3
Female	9,102	52.3	263,355	51.7

Source: US Bureau of the Census, Census 2000. Profile of Selected Demographic Characteristics, Lindenwold Borough and Camden County, NJ

C. Population Trends

Figure H-16 shows population trends for the Borough from 1970 to 2003 with a projection to 2015. The 1970 to 1980 period shows a significant rate of increase. By 2000, the Borough lost 1,320 residents with an additional resident loss of 37 in 2003. The Delaware Valley Regional Planning Commission indicates a population projection in 2015 of 17,090 indicating a further loss of 287 residents.

**FIGURE H-16
POPULATION TRENDS**

Lindenwold Borough, New Jersey

Year	Population	Change
1970	12,199	0
1980	18,196	5,997
1990	18,734	538
2000	17,414	-1,320
2003	17,377	-37
2015*	17,090	-287

Source: US Bureau of the Census.

** DVRPC 2015 Propulation Projection*

D. Households By Type

Household by type information is useful in understanding the family and non-family composition of the Borough and relative household size. In the Borough, family households comprise 57.6 percent of all households and non-family households comprise 42.4 percent of the total. The number of family households in the Borough is slightly lower than that of the County. Average household size in the Borough is 2.32 persons and average family size is 3.0 persons. Approximately 32.4 percent of Borough households contain individuals under 18 years of age and 16.5 percent of the households contain individuals 65 years and over. In the Borough there are fewer households with individuals less than 18 years of age and fewer households with individuals over 65 years than in the County. Average household and family size was greater for the County than for the Borough.

FIGURE H-17
HOUSEHOLDS BY TYPE

Lindenwold Borough and Camden County, New Jersey

Status	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Family Households	4,301	57.6	129,844	69.9
With own children under 18 years	2,175	29.1	64,298	34.6
Married-couple family	2,613	35.0	92,536	49.8
With own children under 18 years	1,189	15.9	44,223	23.8
Female Householder, no husband present	1,236	16.6	28,534	15.4
With own children under 18 years	765	10.2	15,890	8.6
Nonfamily Households	3,164	42.4	55,900	30.1
Householder living alone	2,558	34.3	46,556	25.1
Householder 65 years and over	522	7.0	18,054	9.7
Households with individuals under 18 years	2,422	32.4	71,459	38.5
Households with individuals 65 years and over	1,230	16.5	46,059	24.8
Average Household Size	2.32		2.68	
Average Family Size	3		3.23	
Total Households	7,465	100.0	185,744	100.0

Source: US Bureau of the Census, Census 2000. Profile of General Demographic Characteristics, Lindenwold Borough and Camden County, NJ.

IV. EMPLOYMENT CHARACTERISTICS

A. Employment Characteristics

Figure H-18 is a summary of Employment Characteristics for Borough and County residents by type of industry. In the Borough, the top three industries were educational, retail trade, and arts, entertainment, recreation, accommodation, and food services. The top three industries for the County were educational, retail and professional. The fourth greatest percentage of Township residents are employed in professional, scientific, management administrative, waste management services as opposed to manufacturing for the County residents.

**FIGURE H-18
EMPLOYMENT CHARACTERISTICS**

Lindenwold Borough and Camden County, New Jersey

Industry	Lindenwold Borough		Camden County	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting, mining	10	0.1	293	0.1
Construction	575	6.4	13,751	5.8
Manufacturing	870	9.7	24,306	10.3
Wholesale trade	322	3.6	9,842	4.2
Retail trade	1,302	14.6	30,095	12.8
Transportation and warehousing, utilities	531	5.9	13,126	5.6
Information	237	2.6	7,121	3.0
Finance, insurance, real estate, rental, leasing	734	8.2	19,069	8.1
Professional, scientific, management, administrative, waste management services	851	9.5	26,524	11.3
Educational, health, social services	1,665	18.6	52,207	22.2
Arts, entertainment, recreation, accommodation, food services	1,048	11.7	16,862	7.2
Other services (except public administration)	488	5.5	11,022	4.7
Public administration	313	3.5	11,137	4.7

Source: US Bureau of the Census, Census 2000. Profile of Selected Economic Characteristics, Lindenwold Borough and Camden County, NJ

B. Labor Force Estimates

The New Jersey Department of Labor reports annual average labor force estimates in Figure H-19. The data indicates that in the 1990 to 2001 period, unemployment reached a high of 9.9 percent in 1992 and steadily declined to 4.2 in 2000. An increase in unemployment again occurred in 2001 to 2003.

FIGURE H-19
ANNUAL AVERAGE LABOR FORCE ESTIMATES
Lindenwold Borough

Year	Labor Force	Employed	Unemployed	Unemployment Rate
1990	11,481	10,756	725	6.3
1991	11,782	10,813	969	8.2
1992	11,690	10,536	1,154	9.9
1993	11,373	10,479	894	7.9
1994	11,434	10,608	826	7.2
1995	11,551	10,758	793	6.9
1996	11,683	10,929	754	6.5
1997	11,852	11,232	620	5.2
1998	11,761	11,194	567	4.8
1999	11,841	11,248	593	5.0
2000	11,536	11,047	489	4.2
2001	11,476	10,960	516	4.5
2002	11,725	10,995	730	6.2
2003	11,861	11,092	769	6.5
2004	11,818	11,135	682	5.8

Source: New Jersey Department of Labor, Annual Average Labor Force Estimates, 1990-2003

C. Employment in Lindenwold By Industry

The New Jersey Department of Labor and Workforce Development reports employment and wage data for Lindenwold in 2003 in Figure H-20. The figures indicate that private sector employment in the Borough significantly outweighs local government employment. The strongest private sector employers are retail trade, construction, other services except public administration, accommodation and food services, and health care and social assistance. Other local employment sectors include unclassified entities, real estate and rental and leasing, administrative and waste services, and finance and insurance.

NEW JERSEY EMPLOYMENT AND WAGES: 2003 ANNUAL REPORT

MUNICIPALITIES BY INDUSTRY

LINDENWOLD BOROUGH

MUNICIPALITY/INDUSTRY	ANNUAL AVG.	MARCH	JUNE	SEPT	DEC	AVG	WEEKLY	ANNUAL
Construction	31	136	148	145	120	140	\$889	\$46,203
Manufacturing	7	73	57	51	52	58	\$416	\$21,623
Wholesale Trade	6	22	25	26	28	26	\$876	\$45,529
Retail Trade	36	361	387	373	368	369	\$404	\$21,034
Transportation and Warehousing								
Information								
Finance and Insurance	10	16	16	17	19	17	\$439	\$22,817
Real Estate and Rental and Leasing	13	115	120	108	121	117	\$441	\$22,946
Professional and Technical Services	9	20	21	21	20	21	\$466	\$24,215
Administrative and Waste Services	12	87	87	83	79	84	\$532	\$27,667
Educational Services								
Health Care and Social Assistance	22	136	136	154	163	149	\$419	\$21,797
Arts, Entertainment, and Recreation								
Accommodation and Food Services	22	154	207	227	222	199	\$253	\$13,171
Other Services, Except Public Administration	25	126	130	126	117	126	\$537	\$27,901
Unclassified Entities	17	18	31	21	21	24	\$278	\$14,473
PRIVATE SECTOR MUNICIPALITY TOTAL	215	1440	1545	1533	1515	1497	\$452	\$23,502
LOCAL GOVT MUNICIPALITY TOTAL	7	533	534	537	526	486	\$883	\$45,901

Source: New Jersey Department of Labor and Workforce Development, Employment and Wage Data, Municipal Annual Reports, 2003.

V. MUNICIPAL GROWTH SHARE OBLIGATION

The Council on Affordable Housing has determined Lindenwold's Third Round fair share obligation which is the sum of the rehabilitation share, prior round obligation and growth share. Using Appendix B, Lindenwold's rehabilitation share is 74. Using Appendix C, their prior round obligation is 0, and using Appendix D, the projected growth share is 78 (41 residential and 37 non residential). The Borough's State of New Jersey, Department of Community Affairs, Council on Affordable Housing Petition Application is included in Appendix A. The Petition Application further addresses the Township's obligation and the measures to meet the obligation. Workbook A is included in Appendix B. The Rehabilitation Program checklist is included in Appendix C.

VI. AFFORDABLE HOUSING-PAST AND CURRENT

This section documents the efforts Lindenwold has made in the past to provide affordable housing.

A. Lindenwold Gardens

Lindenwold Gardens is located at 201 Blackwood-Clementon Road and consists of 200 rental units of which 152 are one bedroom and 48 are two bedroom units that were constructed in 1974. The site is owned by Community Realty Management. The project is run under the New Jersey Housing and Mortgage Financing Agency (NJHMFA). The units are not age-restricted and are available to moderate income persons. The minimum and maximum income limit for the units is provided below:

Unit Type	Persons	Income Limits	
1 Bedroom	1 or 2 persons	Minimum	\$25,100
		Maximum	\$48,384
2 Bedroom	1 or 2 persons	Minimum	\$28,600
2 Bedroom	1 or 2 persons	Maximum	\$55,152
2 Bedroom	3 or 4 persons	Maximum	\$64,340

The management company holds 26 Section 8 vouchers that are available to residents. The New Jersey Department of Community Affairs (NJDCA) certifies eligibility.

COAH has indicated that due to the construction date of these units, none are eligible to be counted in the third round numbers. The units would have had to be constructed on or after April 1, 1980 to receive credits.

Lindenwold Gardens Information Supplied by Tara Silver-Lindenwold Gardens (856-627-0200)

B. Lindenwold Towers, 611 Emerson Street, Lindenwold, NJ 08021

Lindenwold Towers is located at 611 Emerson Street. Lindenwold Gardens is a five story rental facility that includes 99 units for HUD defined extremely low, very low, and low income persons 62 years and older. The apartments are managed by Volunteers of America through a non-profit, HUD 202 federally subsidized program. Eighty percent, or 80 units must be rented to extremely low income residents and 20 percent must be rented to very low or low income residents. Lindenwold Towers has an agreement with Lindenwold Borough for tax abatement. The units were constructed in 1984. Income limits are provided below:

Income Limits By Number of Persons

Income Definition	1	2	3	4	5	6	7	8
Extremely Low Income	14,450	16,500	18,600	20,650	22,300	23,950	25,600	27,250
Very Low Income	24,100	27,500	30,950	34,499	37,150	39,900	42,650	45,400
Low Income	38,550	44,050	49,550	55,050	59,450	63,850	68,260	72,650

COAH has indicated that all 99 units can be counted for credit and there is no limit on the number due to age restrictions because the units were not counted in Second Round Certification. This new construction can also be used to address the rehab component according to COAH.

Lindenwold Towers Information Supplied by Cliff Mitchell, Lindenwold Towers, 856-783-1112)

C. Camden County Community Development Block Grant Program

1. First Time Homebuyers Program

Camden County manages the Community Development Block Grant Program in which Lindenwold residents can participate. There are two programs available. For first time homebuyers, there is the First Time Homebuyers Program for purchase or rehabilitation. The program has provided assistance to 10 properties since 2001 as shown in the table below. The program is affirmatively marketed and a 5 to 10 year lean is held on the property. If the homeowner sells prior to the term of the loan, they owe the entire amount back to the County. These units may not be COAH eligible because they are not deed restricted for thirty years as required by COAH. The program is funded by the US Housing and Urban Development and HOME Program. In conversations with COAH, it does not appear that units under this program can count toward COAH credits because there is no guarantee that the units will stay affordable. The units are affordable until the homeowner sells the unit. If they sell prior to the term date, they are obligated to repay the funded amount but there is no restriction to sell to another low or moderate resident.

The units below were identified in the 2005 Fair Share Plan. Since that time, additional units have been added and this information has been requested from the County but has not yet been received.

First Time Homebuyers Program			
Lindenwold Affordable Housing Production List			
Camden County Department of Community Development			
Property Address	Date Sold	Home \$	Term
3212 Arborwood	available	\$23,287	5 Years
11 Colonial Square	6/8/2004	\$57,247	10 Years
5104 Arborwood	4/2/2004	\$25,855	5 Years
2905 Arborwood	8/8/2003	\$23,457	5 Years
312 Myrtle Ave	7/15/2003	\$33,000	10 Years
Roosevelt Avenue	4/3/2003	\$19,336	5 Years
3102 Arborwood	10/16/2002	\$30,100	5 Years
2117 Crowland Ave	1/30/2002	\$45,657	10 Years
2809 Arborwood	11/19/2001	\$29,503	5 Years
805 Arborwood	3/27/2001	\$7,766	5 Years

First Time Homebuyers Program information was provided by Beth Pugh, Camden County Community Development Block Grant Program, Department of Economic and Workforce Development, 757-6660.

2. Home Improvement Income Eligible Program

The second County program is Home Improvement Income Eligible program for repairs with deferred payment when the property is sold. The program utilizes HUD income guidelines for eligibility. To participate in the program, it is required that the units are brought up to code. The program is available only to owner occupied units and requires a mortgage lien for as long as the homeowner owns the property. The chart below identifies program participants and the amount of funds utilized. The total construction cost is the actual cost without adding in administration. There are twenty-two units that may count to the owner rehabilitation program. While this program assists low and moderate income owners, the low and moderate income renter rehabilitation need must also be addressed. The County has indicated that they do not currently address this need so either the County must amend its program or the municipality, like all Camden County municipalities in the County program, must address the need on their own. It is recommended that Lindenwold pursue amending the County program along with a coalition of other participating communities. If this fails, Lindenwold must create a local program that could be funded through development fees or bonding.

The units below were identified in the 2005 Fair Share Plan. Since that time, additional units have been added and this information has been requested from the County but has not yet been received.

Home Improvement Income Eligible Program											
Camden County Department of Community Development											
Lindenwold Borough, New Jersey											
2000-Present											
Last Name	Date Received	Age	Race	Sex	Income	Date Eligible	Date Under Constr.	Constr. Cost	Change Order	Total Cost	Completed Date
Howarth	10/13/00	64	W	F	M	11/27/00	04/12/01	\$6,040		\$6,040	07/06/01
Payne	10/20/00	37	W	M	L	11/27/00	05/09/01	\$28,400		\$28,400	07/20/01
Cianfrani	11/09/00	43	W	F	M	11/09/00	11/17/00	\$3,200		\$3,200	12/22/00
Monahan	04/12/01	44	W	M	M	05/15/01	01/12/02	\$30,225	\$721	\$30,946	06/02/02
Rodgers	05/31/01	74	B	F	M	06/18/01	01/30/02	\$23,658		\$23,658	05/24/02
Segers	01/06/01	70	B	F	M	06/18/01	02/21/02	\$27,710	\$1,200	\$28,910	05/10/02
Lang	01/10/01	68	W	F	M	06/04/02	12/11/02	\$9,495	\$400	\$9,895	03/28/03
Loselle	03/27/02	77	W	M	L	04/18/02	10/24/02	\$19,615		\$19,615	01/31/03
Tamm	06/24/02	73	W	F	M	07/23/02	03/05/03	\$11,150	\$2,300	\$13,450	04/11/03
Grams	07/15/02	73	W	M	M	07/23/02	04/02/03	\$8,500	\$3,300	\$11,800	07/03/03
Donohue	07/19/02	34	W	M	M	07/23/02	11/15/02	\$4,500		\$4,500	11/07/03
Tuttle	07/29/02	31	W	M	M	09/19/02	10/25/02				
Romberger	08/02/02	42	W	F	M	08/08/02	10/18/02	\$3,100	\$575	\$3,675	12/20/02
Maxwell	08/20/03	31	B	F	M	10/03/03	04/04/08	\$11,875		\$11,875	06/18/04
Ebel	06/21/04	41	W	F	M	07/29/04	01/12/05	\$24,950		\$24,950	05/20/05
Eisele	07/07/04	57	W	F	M	07/29/04	01/19/05	\$10,962		\$10,962	
Thomas	10/20/04	41	B	4	M	12/20/04	04/06/05	\$5,565		\$5,565	
Coley	02/15/01	39	B	F	M	03/15/01	08/20/01	\$23,170		\$23,170	09/28/01
Smith	02/28/01	41	B	F	M	04/26/01	11/05/01	\$23,330	\$200	\$23,530	02/01/02
Donohue	07/19/02	34	W	M	M	07/23/02	07/03/03	\$8,100		\$8,100	11/07/03
Garnett	03/02/04	32	B	F	M	03/24/04	09/23/04	\$9,880	\$1,085	\$10,965	01/28/05
Milby	04/26/04	76	W	F	M	06/22/04	01/13/05	\$25,338	\$5,300	\$30,638	04/22/05

Home Income Eligible Program Information was provided by Cindy Silvers, Camden County Community Development Block Grant Program, 757-6663.

D. Bethany Baptist Senior Housing

Bethany Baptist constructed 92 senior units on Gibbsboro Road that were completed in and occupied in April, 2008. All units are low income rentals. Six of the units are for the frail elderly with special needs. The project was funded under low income tax credits and the units carry a thirty year restriction. Compliance bonus credits are requested for these units since they received preliminary and final approval between December 20, 2004 and June 2, 2008. The COAH regulations state that only 25 percent

of the total obligation can be met with senior units, however, the amount of bonus credits under 5:97-3.17 is unclear.

Bethany Baptist information supplied by Nick Moramarco-The Metro Company (201-435-6500)

E. Linden Lake Senior Housing

Conifer Realty constructed 82 senior housing units at Linden Lake and Norcross Street on Block 57 Lots 1-11. Eighty one of the units are income restricted and can qualify for credits. The superintendent unit is not income restricted. The property is 14 acres in size and is the site of a former sewage treatment plant. The site was determined to be an Area in Need of Redevelopment and a Redevelopment Plan was approved by the Planning Board and Council to permit the proposed development. The units are at or below 50% median income. The units were funded under the 9% Low Income Housing Tax Credit and Home Express Subsidy Programs. Lindenwold requests Compliance bonus credits under 5:97-3.17 for these units because they were in a designated Redevelopment Area and were constructed between December 20, 2004 and June 2, 2008.

Linden Lake information supplied by Charlie Lewis, Conifer Realty, Charles Lewis 793-2082 (2008)

VII. SUMMARY OF PROJECTS AND OBLIGATION

A. COAH Income Limits

The New Jersey Council on Affordable Housing's most current regional income limits for 2008 are shown in Appendix D.

B. Methods to Develop Affordable Housing

The Council on Affordable Housing has a number of different provisions regulating the development of affordable housing. A number of the provisions are new to the third round. Options available include the following:

Third Round COAH Options for Affordable Housing

- Rehabilitation of substandard units
- ECHO Units
- Zoning for Inclusionary Development
- Status of Sites Addressing the 1987 through 1999 Obligation
- Redevelopmnet
- Municipally Sponsored and 100 Percent Affordable Developments
- Accessory Apartment Program
- Market to Affordable Program
- Supportive and Special Needs Housing
- Assisted Living Residence
- Regional Contribution Agreement
- Affordable Housing Partnership Program
- Extension of Expiring Controls
- Other Innovative Approaches

C. Lindenwold Status

Lindenwold had a Prior Round Obligation of 0 units. The rehabilitation share is 74 units and the growth share is 89 units. The Borough has the following affordable units and there may be more in the County inventory of which we are currently unaware but will provide supplemental information when available. The Borough is also requesting Compliance Bonus Credits for Bethany Baptist and Linden Lakes.

Linden Towers-99 Rental Units constructed in 1984. Age restricted but restrictions do not apply.

Bethany Baptist-92 Senior units including 6 frail elderly with special needs.

Compliance Bonus credits requested.

Linden Lakes-81 Senior units. Compliance Bonus credits requested.

First Time Homebuyers Program-Potential for 10 Units

Home Improvement Income Eligible Program-Potential for 42 Units

Subtotal 324 Units*

****Not Counting Bonus Credits***

D. Rehabilitation of Substandard Units

COAH has determined Lindenwold's rehabilitation share is 74 units. To meet this need, the Borough has worked with and will continue to work with Camden County for assistance in meeting rehabilitation needs through the Community Development Block Grant Program. In addition, the borough will utilize funds from the Housing Trust Fund to rehabilitate units.

The following requirements shall apply to the Township's rehabilitation program:

1. Upon rehabilitation, housing deficiencies shall be corrected and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6. In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.
2. Municipal rehabilitation investment for hard costs shall average at least \$10,000 per unit, and include the rehabilitation of a major system. If the rehabilitation program is funded by an affordable housing trust fund, administrative costs shall be limited by the provisions of N.J.A.C. 5:97-8.9.
3. Municipalities shall provide sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of substantive certification.
4. Financing of rehabilitation programs shall be structured to encourage rehabilitation and continued occupancy. Low interest rates and forgivable loans are encouraged. Leveraging of private financing is also encouraged if the result is low interest loans that encourage rehabilitation. If an owner-occupied housing unit is sold prior to the end of the controls on affordability, at least part of the loan shall be recaptured and used to rehabilitate another housing unit, unless the unit is sold to a low- or moderate-income household at an affordable price pursuant to N.J.A.C. 5:97-9.
5. If the municipality structures a loan program to recapture funds, recaptured funds shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.6 and subject to the provisions thereof.
6. A municipal rehabilitation program shall provide for the rehabilitation of rental units. If a municipality participates in a County rehabilitation program that is solely for owner occupied units, the municipality shall establish a rehabilitation program for rental units.

7. Pursuant to N.J.A.C. 5:97-4.3, units that are eligible to receive new construction credit may be used to address a municipal rehabilitation share.

Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and UHAC, but shall be administered in accordance with the following:

1. For owner-occupied units, the controls on affordability shall be for a minimum of 10 years and may be in the form of a lien recorded with the county clerk.
2. For rental units, the controls on affordability shall be for a minimum of 10 years and in the form of a deed restriction and may also include a lien, each recorded with the county clerk.
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
3. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
4. The municipality shall demonstrate the capability to administer the program by designating an experienced administrative agent in accordance with N.J.A.C. 5:96-18.

The following minimum documentation, as detailed further in a checklist provided by the Council, shall be submitted by the municipality with its petition for substantive certification:

1. Information regarding the rehabilitation program on forms provided by the Council;
2. Documentation demonstrating the source(s) of funding;
3. A municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds; and

4. A schedule illustrating how the rehabilitation share shall be addressed within the period of substantive certification;

The following minimum documentation, as detailed further in a checklist provided by the Council, shall be submitted by the municipality prior to the grant of substantive certification:

1. A draft or adopted rehabilitation manual that includes a description of the program procedures and administration in accordance with this section;
2. An affirmative marketing plan for the re-rental of rehabilitated rental units, in accordance with UHAC; and
3. Designation of an experienced administrative agent, including a statement of his or her qualifications, in accordance with N.J.A.C. 5:96-18.

The administrator of the rehabilitation program shall maintain files on each program applicant. The files may be used in responding to monitoring requests and periodic programmatic and fiscal audits conducted by the Council, and to protect the municipality against charges of irregularity. The files shall include, at a minimum:

1. An application, including the name and address of each applicant;
2. If the applicant is not approved, the reasons for the disapproval; and
3. If the applicant is approved:
 - i. Proof of income eligibility;
 - ii. A copy of the deed of the property to be rehabilitated;
 - iii. Proof of homeowner insurance;
 - iv. Proof that the applicant's income is sufficient to meet the carrying costs of the unit;
 - v. Proof that the municipal lien plus the total of other liens does not exceed the market value of the unit;
 - vi. The initial inspection by the building inspector, demonstrating that the structure is a deficient unit;
 - vii. The work write-up and cost estimate;
 - viii. Bids by contractors, a minimum of three bids;
 - ix. The final contract to do the work;
 - x. The payment schedule;
 - xi. Progress inspections and reports;
 - xii. Change orders;
 - xiii. A copy of the final inspection;
 - xiv. The lien and/or deed on the property; and
 - xv. A copy of the mortgage note.

A municipality receiving State aid pursuant to P.L. 1978, c. 14 (N.J.S.A. 52:27D-178 et seq.) may seek a waiver from addressing its entire rehabilitation component in one 10- year period of substantive certification. A municipality seeking such a waiver shall demonstrate that it cannot rehabilitate the entire rehabilitation component in 10 years and/or that an extraordinary hardship exists, related to addressing the entire rehabilitation component in 10 years.

E. Measures to Address and Monitor Future Growth Share

Lindenwold intends to address future growth share obligations with adoption of the Developer's Fee Ordinance in accordance with COAH models.

The borough intends to monitor present and prospective fair share housing for low and moderate income housing and analyze how existing and proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections. The analysis will include the following:

- The availability of existing and planned infrastructure
- The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality
- Anticipated land use patterns
- Municipal economic development policies
- Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints and
- Existing or planned measures to address these constraints.

The plan will include a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or for rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Appendices follow which include Resolutions and Ordinances that have been passed or samples of Ordinances or Agreements which may be passed.

APPENDIX A
PETITION APPLICATION

APPENDIX B
WORKSHEET A

Workbook A: Growth Share Determination Using Published Data

(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections **Must be used in all submissions**

Municipality Name:

Lindenwold Borough

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	205	588
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	168	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	6	
Other	4	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	27	588
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	5.40 Affordable Units	36.75 Affordable Units
6 Total Projected Growth Share Obligation		42 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Lindenwold Borough

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	168
Municipally Sponsored and 100% Affordable	
Assisted Living	6
Other	4
Total	178

Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[Return To Workbook A Summary](#)

APPENDIX C
REHABILITATION PROGRAM

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Lindenwold Borough, Camden County, NJ

Program Name: Township and/or County Program

Number of proposed units to be rehabilitated: 74

Information and Documentation Required with Petition

- ☐ Determination of Rehabilitation Share
- ☒ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- ☐ Exterior Housing Survey conducted by the municipality
- ☐ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Documentation demonstrating the source(s) of funding
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☐ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- ☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

Rehabilitation Narrative Section

APPENDIX D

2008 REGIONAL INCOME LIMITS

**COUNCIL ON AFFORDABLE HOUSING (COAH)
2008 REGIONAL INCOME LIMITS**

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8 Person	Max. Increase** Rents/Sales	Regional Asset Limit***
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$53,950	\$57,804	\$61,658	\$69,365	\$77,072	\$80,155	\$83,238	\$89,404	\$95,569	\$101,735		
	Moderate	\$43,160	\$46,243	\$49,326	\$55,492	\$61,658	\$64,124	\$66,590	\$71,523	\$76,455	\$81,388	3.00%	\$149,034
	Low	\$26,975	\$28,902	\$30,829	\$34,682	\$38,536	\$40,077	\$41,619	\$44,702	\$47,785	\$50,868		
Region 2 Essex, Morris, Union and Warren	Median	\$16,185	\$17,341	\$18,497	\$20,809	\$23,122	\$24,046	\$24,971	\$26,821	\$28,671	\$30,521		
	Moderate	\$38,640	\$62,828	\$87,017	\$75,394	\$83,771	\$87,122	\$90,473	\$97,174	\$103,876	\$110,578	3.00%	\$160,715
	Low	\$46,912	\$50,263	\$53,613	\$60,315	\$67,017	\$69,697	\$72,378	\$77,739	\$83,101	\$88,462		
Region 3 Hunterdon, Middlesex and Somerset	Median	\$29,320	\$31,414	\$33,508	\$37,697	\$41,886	\$43,561	\$45,236	\$48,587	\$51,938	\$55,289		
	Low	\$17,592	\$18,848	\$20,105	\$22,618	\$25,131	\$26,137	\$27,142	\$29,152	\$31,163	\$33,173	3.00%	\$184,132
	Moderate	\$67,690	\$72,525	\$77,360	\$87,030	\$96,700	\$100,568	\$104,436	\$112,172	\$119,908	\$127,644		
Region 4 Mercer, Monmouth and Ocean	Median	\$54,152	\$58,020	\$61,888	\$69,624	\$77,360	\$80,454	\$83,549	\$89,738	\$95,926	\$102,115		
	Low	\$33,845	\$36,263	\$38,680	\$43,515	\$48,350	\$50,284	\$52,218	\$56,086	\$59,954	\$63,822	3.00%	\$159,071
	Moderate	\$20,307	\$21,758	\$23,208	\$26,109	\$29,010	\$30,170	\$31,331	\$33,652	\$35,972	\$38,293		
Region 5 Burlington, Camden and Gloucester	Median	\$59,196	\$63,425	\$67,653	\$76,109	\$84,566	\$87,949	\$91,331	\$98,097	\$104,862	\$111,627		
	Moderate	\$47,357	\$50,740	\$54,122	\$60,888	\$67,653	\$70,359	\$73,065	\$78,477	\$83,889	\$89,302	3.00%	\$137,699
	Low	\$29,598	\$31,712	\$33,826	\$38,055	\$42,283	\$43,974	\$45,666	\$49,048	\$52,431	\$55,814		
Region 6 Atlantic, Cape May, Cumberland and Salem	Median	\$17,759	\$19,027	\$20,296	\$22,833	\$25,370	\$26,385	\$27,399	\$29,429	\$31,459	\$33,488		
	Moderate	\$52,010	\$55,725	\$59,440	\$66,870	\$74,300	\$77,272	\$80,244	\$86,188	\$92,132	\$98,076	3.00%	\$121,348
	Low	\$41,608	\$44,580	\$47,552	\$53,496	\$59,440	\$61,818	\$64,195	\$68,950	\$73,706	\$78,461		
Region 7 Atlantic, Cape May, Cumberland and Salem	Median	\$26,005	\$27,863	\$29,720	\$33,435	\$37,150	\$38,636	\$40,122	\$43,094	\$46,066	\$49,038		
	Moderate	\$15,603	\$16,718	\$17,832	\$20,081	\$22,290	\$23,182	\$24,073	\$25,856	\$27,640	\$29,423	3.00%	\$121,348
	Low	\$45,355	\$48,595	\$51,834	\$58,314	\$64,793	\$67,385	\$69,976	\$75,160	\$80,343	\$85,527		
Region 8 Atlantic, Cape May, Cumberland and Salem	Median	\$36,284	\$38,876	\$41,468	\$46,651	\$51,834	\$53,908	\$55,981	\$60,128	\$64,275	\$68,421		
	Moderate	\$22,678	\$24,297	\$25,917	\$29,157	\$32,397	\$33,692	\$34,988	\$37,580	\$40,172	\$42,763	3.00%	\$121,348
	Low	\$13,607	\$14,578	\$15,550	\$17,494	\$19,438	\$20,215	\$20,993	\$22,548	\$24,103	\$25,658		

*These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.6(b) and N.J.A.C. 5:80-26.12(a).

**This column is used for calculating the pricing for resale and rent increases for units as per N.J.A.C. 5:94-7.2(b)(2). Affordable prices and rents may be raised a maximum of 3.0 percent, based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI), United States, All Urban Consumers Housing. However, low income tax credit developments may increase based on the low income tax credit regulations.

***The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3).

(Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.)

APPENDIX E

***PLANNING BOARD RESOLUTION ADOPTING THE HOUSING ELEMENT AND FAIR
SHARE PLAN***

RESOLUTION ADOPTING HOUSING ELEMENT OF MASTER PLAN

WHEREAS, the Planning Board of the Borough of Lindenwold, Camden County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on October 29, 2007; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, N.J.A.C. 5:97-2.1 (a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

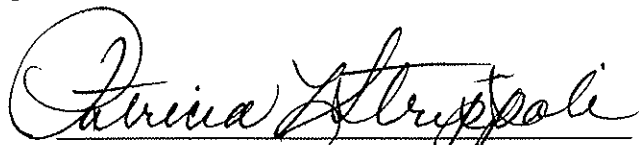
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of the Borough of Lindenwold; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Lindenwold held a public hearing(s) on the Housing Element and Fair Share Plan on December 15, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Borough of Lindenwold's October 29, 2007 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

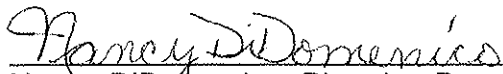
NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Lindenwold, Camden County, State of New Jersey, that the Planning Board hereby adopts the 12/15/2008 Housing Element and Fair Share Plan.



~~Anthony Perno, Chairman of~~
Lindenwold Planning Board

Acting Chairperson - Patricia Strippoli

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Lindenwold, Camden County, on December 15, 2008.



Nancy DiDomenico, Planning Board Secretary

APPENDIX F

***GOVERNING BODY RESOLUTION PETITIONING WITH AN ADOPTED HOUSING
ELEMENT AND FAIR SHARE PLAN***

RESOLUTION #2008:184

WHEREAS, the Planning Board for the Borough of Lindenwold, County of Camden, State of New Jersey, adopted the Housing Element of the Master Plan on December 15, 2008, and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2, and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 15, 2008, and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Lindenwold, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Lindenwold Borough Planning Board, and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Lindenwold pursuant to the provisions of N.J.S.A. 52:27D-301 et seq and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification, and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition, and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Lindenwold Borough Municipal Clerk's Office located at 2001 Egg Harbor Road, Lindenwold, New Jersey, during the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

DATED: December 15, 2008



JANE E. BARBER RMC
Borough Clerk

APPENDIX G

NOTICE OF PETITION FOR SUBSTANTIVE CERTIFICATION

Notice of Petition for Substantive Certification

NOTICE is hereby given that *[insert name of municipality]* has petitioned the New Jersey Council on Affordable Housing for Substantive Certification of its Housing Element and Fair Share Plan pursuant to N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:96 and N.J.A.C. 5:97. A copy of the adopted Housing Element and Fair Share Plan and supporting documentation is available for public inspection at the office of the *[insert title of municipal officer]*, Municipal Building, located at *[insert street address]*, during the hours of *[insert business hours]*. Comments or objections to said petition for Substantive Certification shall be filed with the New Jersey Council on Affordable Housing, 101 South Broad Street, PO Box 813, Trenton, New Jersey 08625-0813 and with the municipal clerk by *[insert date]* which is within 45 days of publication of this notice.

[insert name]
Municipal Clerk

APPENDIX H
DEVELOPMENT FEE ORDINANCE

Council on Affordable Housing

Sample Development Fee Ordinance

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) *[Insert name of municipality]* shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary

development, a municipal construction project or a 100 percent affordable development.

- ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development fees

a) Imposed fees

- i. Within the *[insert name of zoning]* district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of *[insert number - maximum of one and a half percent]* percent of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of *[insert specific number – maximum of six percent]* percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. *[optional]* Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - iv. *[optional]* Developers of *[specific types of residential development, for example developments with one or two owner-occupied dwelling units, residential structures demolished and replaced as a result of a natural disaster, green buildings etc.]* shall be *[select only one of the following: exempt from paying a development fee, or subject to a reduced fee of X percent]*.
 - v. *[optional]* Within the *[name of zoning district(s) or area(s), e.g. TOD District, Revenue Allocation District, Historic District, etc.]*, residential developers shall be exempt from paying a development fee.

5. Non-residential Development fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to

two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-

residential development fees under these circumstances may be enforceable by *[insert municipality]* as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official *[OR insert title of designated municipal official]* responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should *[insert municipality]* fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) *[select one of the following paragraphs:]*

The developer shall pay 100 percent of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.

OR

Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees

- 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by *[insert name of municipality]*. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by *[insert name of municipality]*. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

a) *[select one of the following paragraphs:]*

There is hereby created a separate, interest-bearing housing trust fund to be maintained by the *[chief financial officer or insert municipal employee title]* for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

OR

Upon approval by COAH and by the Division of Local Government Services, *[insert name of municipality]* shall invest development fee revenue and proceeds from the sale of units with extinguished controls into the State of New Jersey Cash Management Fund, provided that the funds in the Cash Management account that comprise the deposits and income attributable to such deposits shall at all times be identifiable.

- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. payments in lieu of on-site construction of affordable units;
 - 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - 3. rental income from municipally operated units;
 - 4. repayments from affordable housing program loans;
 - 5. recapture funds;
 - 6. proceeds from the sale of affordable units; and
 - 7. any other funds collected in connection with *[insert municipal name]*'s affordable housing program.
- c) Within seven days from the opening of the trust fund account, *[insert name of municipality]* shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, *[select one: the bank or the bank linked to the Cash Management Fund]*, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8 Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the *[insert name of municipality]*'s fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element

and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse *[insert name of municipality]* for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner may entitle *[insert name of municipality]* to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) *[insert name of municipality]* may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) *[insert name of municipality]* shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with *[insert municipal name]*'s housing program, as well as to the expenditure of revenues and implementation of the plan *[select appropriate one: certified by COAH or approved by the court]*. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing collection of fees

- a) The ability for *[insert name of municipality]* to impose, collect and expend development fees shall expire with its *[select appropriate one: substantive certification or judgment of compliance]* unless *[insert name of municipality]* has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If *[insert name of municipality]* fails to renew its ability to impose and collect development fees prior to the expiration of *[pick one: substantive certification or judgment of compliance]*, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). *[insert name of municipality]* shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall *[insert name of municipality]* retroactively impose a development fee on such a development. *[Insert name of municipality]* shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

APPENDIX I

***GOVERNING BODY RESOLUTION REQUESTING REVIEW AND APPROVAL OF
DEVELOPMENT FEE ORDINANCE***

Council on Affordable Housing

Sample Governing Body Resolution Requesting Review and Approval of Development Fee Ordinance

[select only one of the following:]

WHEREAS, the Governing Body of *[insert name of municipality, county]* petitioned the Council on Affordable Housing (COAH) for substantive certification on *[insert date]*; and

OR

WHEREAS, *[insert name of municipality, county]* was granted substantive certification by the Council on Affordable Housing (COAH) on *[insert date]*; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, *[insert name of municipality]* has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of *[insert name of municipality, county]* requests that COAH review and approve *[insert name of municipality]*'s development fee ordinance.

[insert name]
Municipal Clerk

APPENDIX J

AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

Council on Affordable Housing

Sample Affordable Housing Trust Fund Spending Plan

OVERVIEW

[This model Spending Plan reflects the latest amendments to COAH's rules. In addition to demonstrating how municipal affordable housing trust funds will be expended, the spending plan should be prepared together with the implementation schedule of the fair share plan. The spending plan will serve as the basis for demonstrating realistic opportunity of each proposed affordable housing option that relies on affordable housing trust funds as well as a basis for any affordable housing delivery mechanisms that are the subject of an implementation schedule. Another key provision in this update is the requirement to spend existing balances as of July 17, 2008 within four years of the date the municipality's spending plan is approved by COAH. To ensure timeliness of fund expenditures, there is a requirement to spend or contractually commit newly collected funds within three years from the calendar year in which those funds were collected. Proposed spending may be through a revolving loan, no-interest loans, forgivable loans, below-market loans, bridge loans, a hybrid loan and grant program, etc.]

This document is organized into five sections that address the standard information required by N.J.A.C. 5:97-8.10. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 should be detailed separately within the municipality's Affordable Housing Ordinance. Please tailor this form to the individual municipality's circumstance(s) and provide or insert information where text is italicized and in brackets [thus]. Depending on when this spending plan is completed, the actual versus projected years will vary and should be adjusted accordingly. Instructions for completing this model document are bolded, italicized and in brackets [thus] and should be deleted from the final document submitted to COAH for approval.

Please be aware that COAH staff will be utilizing the actual collections, expenditure and balances reported in the municipal affordable housing trust fund monitoring submitted to COAH via the Computer Tracking and Monitoring (CTM) system. The preparer is encouraged to collaborate with the municipal affordable housing trust fund report preparer to ensure consistency. Information about viewing municipal data in the CTM system is available on COAH's website at www.nj.gov/dca/coah/training.shtml.]

INTRODUCTION

[Insert name of municipality, county] has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on *[insert date of approval]* and adopted by the municipality on *[insert date of adoption]*. The ordinance establishes the *[insert name of municipality]* affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, *[insert name of municipality]* has collected \$ *[insert amount of revenue already collected]*, expended \$ *[insert amount of funds already expended]*, resulting in a balance of \$ *[insert balance as of July 17, 2008]*. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in *[insert name of bank]* for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

[If your municipality maintained an affordable housing trust fund as part of a previous third round petition under N.J.A.C. 5:94 or second round substantive certification, please complete the following section.]

[Insert name of municipality] first petitioned COAH for substantive certification on *[insert earliest date of previous second or third round petition]* and received prior approval to maintain an affordable housing trust fund on *[date COAH first approved a development fee ordinance]*. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$ *[insert trust fund balance as of December 31, 2004]*. From January 1, 2005 through July 17, 2008, *[insert name of municipality]* collected an additional \$ *[insert total revenue]* in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, *[insert name of municipality]* expended funds on the affordable housing activities detailed in section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, *[insert name of municipality]* considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

[List affordable housing sites from inclusionary zone(s) where the developer(s) has made or committed to make a PIL along with the associated PIL amount(s). If payments in lieu have not been collected or assessed, so indicate. Please note that while all other fund sources include projected revenues, PIL funds are based only on actual revenues]

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and *[insert name of other fund(s)]*. *[If no other funds have been or are anticipated to be collected, so indicate.]*

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval												
3. Projected Development												
(b) Payments in Lieu of Construction												
(c) Other Funds (Specify source(s))												
(d) Interest												
Total												

[Insert name of municipality] projects a total of \$ *[insert total of all revenue listed above]* in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by *[insert name of municipality]*:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with *[insert municipality]*'s development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

[Provide a brief explanation of local procedures for distributing the municipality's affordable housing trust funds.]

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

[Insert name of municipality] will dedicate \$ *[insert amount of revenue to be dedicated]* to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$ *[insert amount of revenues to be expended]*

New construction project(s): \$ *[insert amount of revenues to be expended, by project and total; individually list programs and projects e.g. for-sale and rental municipally sponsored, accessory apartments, etc.]*

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

[Municipalities are required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income). Utilize the formulae below to project the minimum affordability assistance requirements. The actual affordability assistance minimums are calculated on an ongoing basis in the CTM system based on actual revenues.]

To initially project a funding amount that will be dedicated to affordability assistance, first subtract actual expenditures on all new construction, previously funded regional contribution agreements and rehabilitation activities from inception of the fund

through June 2, 2008 from the sum of actual and projected development fees and interest through December 31, 2018. Multiply this amount by 30 percent and then subtract actual affordability assistance expenditures from inception of the fund through December 31, 2004 from the result. The outcome of this calculation will be the total remaining funds that must be dedicated to affordability assistance for the period January 1, 2005 through December 31, 2018.

To initially project a funding amount that will be dedicated to affordability assistance for very low-income households, divide the affordability assistance figure derived from the above paragraph by three. The outcome of this calculation will be the total remaining funds that must be dedicated to very low-income affordability assistance for the period January 1, 2005 through December 31, 2018. Municipalities will receive credit against this projected minimum for affordability assistance activity from January 1, 2005 to the present.]

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$
Actual interest earned through 7/17/2008	+	\$
Development fees projected* 2008-2018	+	\$
Interest projected* 2008-2018	+	\$
Less housing activity expenditures through 6/2/2008	-	\$
Total	=	
30 percent requirement	x 0.30 =	\$
Less Affordability assistance expenditures through 12/31/2004	-	\$
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

[Insert name of municipality] will dedicate \$ [insert amount of revenues to be dedicated] from the affordable housing trust fund to render units more affordable, including \$ [insert amount of revenue to be dedicated] to render units more affordable to households earning 30 percent or less of median income by region, as follows:

[List affordability assistance programs such as down-payment assistance, rental assistance, converting low-income units to very-low-income units, etc.]

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

[Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after

programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.

To initially project a funding amount that will be available for administrative costs, sum all development fees actually collected since the inception of the account and all actual interest earned since the inception of the account with all projected development fees and interest projected to be collected through December 31, 2018. To this amount, add all payments in lieu of constructing affordable units and other account deposits from the inception of the account through July 17, 2008. From this total amount, subtract RCA expenditures made or contractually obligated from the inception of the account through December 31, 2018. Multiply this amount by 20 percent and then subtract actual administrative expenditures made from the inception of the account through December 31, 2004. The outcome of this calculation will be the total remaining funds that will be available to defray administrative expenses for the period January 1, 2005 through December 31, 2018.]

[Insert name of municipality] projects that \$[insert projected amount of revenue available] will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

[Provide detailed description]

4. EXPENDITURE SCHEDULE

[Insert name of municipality] intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

[In developing this spending plan, it is important to note that all funds in the municipal trust fund as of July 17, 2008 must be fully expended or committed to be expended within four years of COAH's approval of the spending plan.]

[A sample spreadsheet format is provided below.]

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of *[insert name of municipality]* has adopted a resolution agreeing to fund any shortfall of funds required for implementing *[insert types of housing programs]*. In the event that a shortfall of anticipated revenues occurs, *[insert name of municipality]* will *[describe method of handling the shortfall of funds such as a resolution of intent to bond]*. A copy of the adopted resolution is attached.

[COAH requires a municipality to pass a resolution of intent to bond or a resolution appropriating funds from general revenue for any unanticipated shortfall in a municipal rehabilitation program or municipal construction project.]

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to *[describe type of housing activities]*.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with *[insert municipality]*'s Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

[Reference section of Affordable Housing Ordinance that explains the collection and distribution of barrier free funds.]

SUMMARY

[Insert name of municipality] intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated *[insert date]*.

[Insert name of municipality] has a balance of \$ *[insert balance]* as of July 17, 2008 and anticipates an additional \$ *[insert total projected revenue]* in revenues before the expiration of substantive certification for a total of \$*[insert total of balance and projections]*. The municipality will dedicate \$ *[insert amount of revenue for housing activities]* towards *[insert types of housing programs]*, \$ *[insert amount of revenue for affordability assistance]* to render units more affordable, and \$*[insert amount of revenue for administrative costs]* to administrative costs. Any shortfall of funds will be offset by *[insert source of funds]*. The municipality will dedicate any excess funds toward *[insert types of housing programs]*.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$
TOTAL REVENUE	= \$
EXPENDITURES	
Funds used for Rehabilitation	- \$
Funds used for New Construction	
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$
Administration	- \$
Excess Funds for Additional Housing Activity	= \$
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$
REMAINING BALANCE	= \$0.00

APPENDIX K

***GOVERNING BODY RESOLUTION REQUESTING REVIEW AND APPROVAL OF A
MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN***

Council on Affordable Housing

Governing Body Resolution Requesting Review and Approval of a Municipal Affordable Housing Trust Fund Spending Plan

[select only one of the following:]

WHEREAS, the Governing Body of *[insert name of municipality, county]* petitioned the Council on Affordable Housing (COAH) for substantive certification on *(insert date)*; and

OR

WHEREAS, *[insert name of municipality, county]* was granted substantive certification by the Council on Affordable Housing (COAH) on *(insert date)*; and

WHEREAS, *[insert name of municipality]* received approval from COAH on *[insert date]* of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or *[insert any other funds collected in connection with your municipality's affordable housing program]*;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, *[insert name of municipality]* has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of *[insert name of municipality, county]* requests that COAH review and approve *[insert name of municipality]*'s spending plan.

[insert name]
Municipal Clerk

APPENDIX L

ESCROW AGREEMENT FOR HOUSING TRUST FUND

Escrow Agreement for Housing Trust Fund

This Escrow Agreement made this 29th day of October, 2008, by and between the Council on Affordable Housing (COAH) and Lindenwold Borough and TD Bank, N.A. (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, COAH has not yet approved a Development Fee Ordinance for Lindenwold Borough establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of Lindenwold Borough's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, Lindenwold Borough is only authorized to impose and collect the 2.5 percent non-residential fee mandated by P.L.2008, c. 46 (C.52-27D-329.1 et al).

WHEREAS, COAH has not yet approved a spending plan for Lindenwold Borough, Lindenwold Borough acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH

at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH further requires Lindenwold Borough to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, Lindenwold Borough and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and Lindenwold Borough hereby designate TD Bank, N.A. (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by Lindenwold Borough, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the municipal administrator of Lindenwold Borough consistent with the spending plan approved by COAH.

2. Escrow Account

Lindenwold Borough shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development

accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as the Affordable Housing Trust Fund (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from Lindenwold Borough. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by Lindenwold Borough or any other party, (b) any other obligation owed to the escrow agent by Lindenwold Borough or any other party, or (c) any claim which the escrow agent may have against Lindenwold Borough or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of Lindenwold Borough as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Municipal Administrator of Lindenwold Borough, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by Lindenwold Borough from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to Lindenwold Borough, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by Lindenwold Borough until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of Lindenwold Borough. COAH shall provide the Lindenwold Borough municipal administrator and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of Lindenwold Borough and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from

developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8,d) & C.52:27D-329.3(9.b)) within four years;
- f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. Lindenwold Borough shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and Lindenwold Borough, or their respective designees, at any reasonable time. Lindenwold Borough shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH: Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813
- b. If to Municipality: Borough Administrator
2001 Egg Harbor Road.
Lindenwold, NJ 08021
- c. If to Bank: TD Bank, N.A.
55 South White Horse Pike
Stratford, NJ 08084

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

10/24/08
Date

[Signature]
Mayor, on behalf of Lindenwold Borough

11/3/08
Date

Lucy Vandenberg
Lucy Vandenberg, Executive Director
on behalf of the New Jersey Council
on Affordable Housing (COAH)

10/29/08
Date

[Signature]
Elizabeth M. Musumeci, Stratford Manager on behalf of
TD Bank, N.A.

RESOLUTION 2008:160

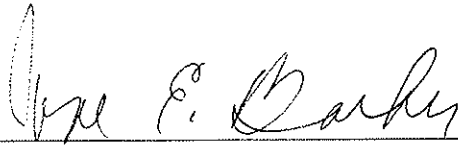
WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Lindenwold, County of Camden, State of New Jersey as follows:

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to receive development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Lindenwold Borough's affordable housing program in accordance with P.L. 2008, c.46 and the regulations of COAH (N.J.A.C 5:97-8.1) and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH.
2. Such funds received by the municipality to be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S.A 40A:4-39 for the sole purpose stated above.
3. The Municipal Clerk of the Borough of Lindenwold is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

DATED: November 5, 2008



Jane E. Borough
Borough Clerk

APPENDIX M

***ESCROW AGREEMENT FOR AN ACCOUNT LINKED WITH THE STATE OF NEW JERSEY
CASH MANAGEMENT FUND***

Escrow Agreement for an Account Linked with the State of New Jersey Cash Management Fund

NOTE: *In order for COAH to execute a three-party escrow agreement, the municipality must submit three copies of the agreement, all with original signatures from the municipal representative and the bank representative.*

This Escrow Agreement made this _____ day of [month], [year], by and between the Council on Affordable Housing (COAH) and [insert name of municipality] and [insert name of bank] (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees, and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with [insert municipal name]'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., and with the approval of COAH; and

WHEREAS, on [insert date of approval] COAH approved the [insert name of municipality] Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of [insert name of municipality]'s COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on [insert date] the governing body of [insert name of municipality] adopted Ordinance #[insert number], the Development Fee Ordinance of [insert name of municipality], amending the Municipal Code; and

[Select one of the following two statements which pertains to your municipality.]

WHEREAS, on [insert date of approval] COAH approved the [insert name of municipality] Spending Plan establishing standards for the expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with [insert municipal name]'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. pursuant to COAH's rules; and

[or]

WHEREAS, COAH has not yet approved a spending plan for *[insert name of municipality]*, *[insert name of municipality]* acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires *[insert name of municipality]*, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a) and the spending plan approved by COAH; and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance and approved spending plan, COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval.

NOW THEREFORE, COAH, *[insert name of municipality]* and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and *[insert name of municipality]* hereby designate *[insert name of bank]* (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by *[insert name of municipality]*, (b) holding such sums in the escrow account hereinafter described, (c) transferring funds between the escrow account and the State of New Jersey Cash Management Fund, and (d) disbursing the monies upon the direction of the *[insert title of municipal officer]* of *[insert name of municipality]* consistent with the spending plan approved by COAH.

2. Escrow Account

[Insert name of municipality] shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as *[insert name of account]* (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from *[insert name of municipality]*. The account shall be a linked account between *[insert name of municipality]* and the State of New Jersey Cash Management Fund. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by *[insert name of municipality]* or any other party, (b) any other obligation owed to the escrow agent by *[insert name of municipality]* or any other party, or (c) any claim which the escrow agent may have against *[insert name of municipality]* or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of *[insert name of municipality]* as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the *[insert title of municipal officer]* of *[insert name of municipality]*, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by *[insert name of municipality]* from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to *[insert name of municipality]*, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13 (a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by *[insert name of municipality]* until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of *[insert name of municipality]*. COAH shall provide the *[insert name of municipality]* municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of *[insert name of municipality]* and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund shall be expended:

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;

- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b));
 - f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with *[insert municipal name]*'s affordable housing program on activities not permitted by COAH;
 - g. Revocation of certification; or
 - h. Other good cause demonstrating that the revenues are not being used for the approved purpose.
5. Standard of Care; Indemnification
- The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. *[Insert name of municipality]* shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.
6. Records and Accounts
- The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and *[insert name of municipality]*, or their respective designees, at any reasonable time. *[Insert name of municipality]* shall provide COAH with reports on an annual basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.
7. Notices
- All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH: Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813
- b. If to Municipality: Municipal Clerk and Chief Financial Officer
[insert address]

c. If to Bank: [insert address]

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Date

[insert name], on behalf of [insert name of municipality]

Date

Lucy Vandenberg, Executive Director
on behalf of the New Jersey Council
on Affordable Housing (COAH)

Date

[insert name], on behalf of [insert name of bank]

APPENDIX N

LOCAL AFFORDABILITY ASSISTANCE PROGRAMS: RENTAL UNITS

LOCAL AFFORDABILITY ASSISTANCE PROGRAMS: Rental Units

The plans described below are suggestions for affordability assistance programs. A municipality is free to develop different guidelines and program descriptions. All affordability assistance programs are subject to the review and approval of COAH.

Security Deposit Assistance

[Municipality] will designate [insert amount of funds from above] of its affordable housing trust fund as a revolving Security Deposit Assistance Fund. A [low interest, interest-free, etc] loan from the fund will be received by an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit.

The security deposit assistance will be in the form of a cash loan equal to the security deposit amount determined by the landlord paid to the landlord on behalf of the tenant. [Optional: The loan will accrue interest at a below-market interest rate of five points below the prime rate at the time of the signing of the lease)].

At the termination of the lease, the landlord will return the portion of the security deposit it determines to [municipality] along with the interest earned. The tenant will repay any difference between the original security deposit amount and the portion returned by the landlord [Optional: as well as the interest accrued to the full loan amount] to [municipality]. Funds returned to the municipality will be placed in the affordable housing trust fund to be used for future security deposit assistance.

Rental Assistance

[Municipality] will designate [insert amount of funds from above] of its affordable housing trust fund as a Rental Assistance Fund. A rental supplement from the fund will be received by an income eligible renter with good credit standing who qualifies for a low- or moderate-income rental unit when only a unit in a higher income category is available (i.e.: placing a low-income household in a moderate-income unit, or placing a very-low income household in a low-income unit).

The amount of the rental supplement will be determined by [municipality] as the difference between the restricted rent set by the landlord and 30 percent of the renter's gross monthly income. The rental supplement will be paid directly to the landlord each month by [municipality] on behalf of the tenant.

Rental assistance does not need to be repaid by the tenant. If the tenant wishes to renew the lease, they must be re-income qualified and the rental supplement will be recalculated. If the tenant no longer qualifies for the rental assistance, but qualifies for the actual rent, they may renew the lease and stay in the unit, but will no longer receive rental assistance.

Administration

[Municipality]'s Affordability Assistance Programs will be administered by [if individual programs are administered by different agents or persons, list all]. After an applicant is income qualified by [insert name of entity that qualifies applicants] pursuant to COAH's rules and the Uniform Housing Affordability Controls, or cannot be qualified due to a need for assistance, an affordability assistance application will be completed and forwarded with all necessary documentation to [insert name of affordability assistance administrator].

The affordability assistance recipient will sign a contract with *[municipality]* which states, at a minimum: the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information.

The availability of any Affordability Assistance Programs must be noticed to all tenants of affordable units within *[municipality]* and provided to all administrative agents of affordable units within *[municipality]*.

An income eligible occupant or applicant for an affordable unit within municipality may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.

[Insert any additional or more detailed procedures.]